

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Der Heide et al.

Confirmation No.: 8757

Application No.: 10/517,059

Art Unit: 1794

Filed: December 3, 2004

Examiner: Pratt, H.F.

For: SYNTHETIC GUT SECTIONS CLOSED
AT ONE END

Customer No.: 59554

**RESPONSE TO RESTRICTION REQUIREMENT AND
REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.143**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant acknowledges receipt of the Office Action mailed April 9, 2008 wherein the Examiner contended that restriction was required under 35 U.S.C. 121 and 372. In short, the Examiner contends that the inventions of Group I and Group II do not relate to a single general inventive concept under PCT Rule 13.1 because these groups lack the same or corresponding special technical features. Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Applicant traverses the requirement for restriction on the grounds that the tubular foodstuff sections of Groups I and II relate to a group of inventions so linked as to form a single general inventive concept under PCT Rule 13.1. Specifically, claim 1 relates to a section of a foodstuff casing which is closed at one end with a flat transverse seam. The flat transverse seam is a jointing seam. Claim 13 relates also to a section of a foodstuff casing which is closed at one end with a flat transverse seam. The flat transverse seam once again comprises a jointing seam, however, the jointing seam may be a sealed seam or an adhesive seam. As a result, claim 13 is a specific embodiment of the foodstuff casing of recited in Group I (i.e., claims 1-12). Thus, there exists a technical relationship among these inventions (i.e., Groups I and II) because these


inventions involve one or more of the same or corresponding special technical features in compliance with PCT Rule 13.2.

Although Applicant does not acquiesce in the propriety of the Examiner's restriction, Applicant hereby provisionally elects Group II for continued examination, with traverse, in compliance with 37 CFR 1.499. Specifically, Applicant provisionally elects claims 13-22. Further, Applicant provisionally elects the species set forth in claim 13 comprising a heat-sealable polymer and wherein the flat transverse seam comprises a jointing seam comprising a sealed seam.

Applicant believes that with the present election of Group II, the application is now in order to proceed to examination. Applicant does not believe a fee is due at this time, however, the Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 09-0528 (Attorney Docket No.: P179 1200.US).

Respectfully submitted,

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